

Message Text

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ACTION EUR-12

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FM AMEMBASSY BUCHAREST

TO SECSTATE WASHDC 8787

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E.O. 11652: N/A

TAGS: EVIN, ETRD, CPRS, RO

SUBJ: PROPERTY CASES: DECREE 223

REF: STATE 123522

1. SUMMARY. AMBASSADOR CONVEYED TO PATAN ON MAY 27 DEPARTMENT'S CONTINUING CONCERN ABOUT COMPENSATION FOR EXPROPRIATED LAND AND OUR RESULTING PREFERENCE TO RELY UPON PARAGRAPH 5 OF 1973 JOINT DECLARATION TOGETHER WITH SUGGESTION WE TRY TO RESOLVE SPECIFIC CASES. IN LATER CONVERSATION WITH ROMANIAN ATTORNEY WE HAVE RECEIVED ADDITIONAL BACKGROUND ON EXPROPRIATION OF LAND AFTER 1965 WHICH APPEARS TO REMOVE UNCERTAINTY. WE WILL EXPLORE SOLUTION OF INDIVIDUAL CASES WITH JUST-IDENTIFIED MINISTRY OF FINANCE CONTACT WHO HAS RESPONSIBILITY FOR DECREE 223 MATTERS. END SUMMARY.

2. AMBASSADOR PRESENTED DEPARTMENT'S POSITION ON PROBLEM OF LAND AS IT RELATES TO DECREE 223 IN MEETING WITH DEPUTY PRIME MINISTER PATAN ON MAY 27. OBSERVING THAT 1965 ROMANIAN CONSTITUTION SPEAKS OF COMPENSATION FOR LAND TAKEN BY STATE, AMBASSADOR STATED WE WERE THEREFORE UNABLE TO RULE OUT POSSIBILITY THAT THERE WERE CASES ON WHICH QUESTION OF COMPENSATION FOR LAND WOULD ARISE. IN VIEW OF OUR UNCERTAINTY, EXISTENCE OF EXPROPRIATION LANGUAGE IN DECEMBER 1973 JOINT DECLARATION, AND OF ASSURANCES GIVEN BY PATAN IN WASHINGTON AND IN DISCUSSIONS HERE, AMBASSADOR EXPRESSED CONFIDENCE THAT

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ROMANIAN GOVERNMENT WOULD ACT TO RESOLVE PROMPTLY AND EQUITABLY

FEW CASES THAT ARE NOW BEFORE US AND ANY WHICH MAY ARISE IN FUTURE. TOWARD THAT END AMBASSADOR SUGGESTED IT WOULD BE DESIRABLE IF OUR CONSUL COULD DISCUSS DIRECTLY WITH MINISTRY OF FINANCE SEVERAL OUTSTANDING CASES. (DELICEANU AND CRAMBAREAN).

3. PATAN INQUIRED WHETHER WE WISHED TO MAKE COUNTERPROPOSAL ON DECREE 223, INDICATING HE WOULD MAKE AVAILABLE ROMANIAN GOVERNMENT LEGAL ADVISORS TO CLARIFY LAND ISSUE. ON DELICEANU AND DRAMBAREAN CASES PATAN AGREED THAT DIRECT CONTACTS WITH MINFIN WOULD BE APPROPRIATE.

4. WE SUBSEQUENTLY EXPLORED ISSUE OF STATUS OF LAND WITH PRIMINENT BUCHAREST ATTORNEY, WHO HAS BEEN OF CONSIDERABLE ASSISTANCE TO US IN VARIETY OF CONSULAR MATTERS. IN HIS INTERPRETATION, ARTICLE 13 OF LAW ON THE LAND FUND (LAW NO. 59/1974), WHICH EXPRESSLY REFERRED TO IN ARTICLE 2, PARA 3 OF DECREE 223, RENDERS HIGHLY UNLIKELY THAT COMPENSATION FOR LAND WOULD ARISE IN CASES INVOLVING U.S. CITIZENS. THAT PROVISION, TRANSLATION OF PARAS 3 AND 4 OF WHICH FOLLOWS, DOES INDEED COVER MOST, IF NOT ALL, CASES OF WHICH WE ARE AWARE:

"LAND OF ANY SORT BELONGING TO PERSONS WHO, HAVING THEIR DOMICILE IN THE SOCIALIST REPUBLIC OF ROMANIA LEAVE THE COUNTRY FOREVER, BECOMES STATE PROPERTY WITHOUT COMPENSATION.

"THE PROVISIONS OF THE ABOVE PARAGRAPH ARE APPLICABLE ALSO IN CASE OF LAND BELONGING TO PERSONS WHO HAVE LEFT FOREVER THE SOCIALIST REPUBLIC OF ROMANIA BEFORE THE ENTERING INTO FORCE OF THE PRESENT LAW AND ALSO IN CASES OF LAND INGERITED BY PERSONS WHO HAVE NOT THEIR DOMICILE IN THE SOCIALIST REPUBLIC OF ROMANIA."

5. FOLLOWING FURTHER MEETING WITH DEPY PRIME MINISTER PATAN ON JULY 7, WE WERE INFORMED THAT DIRECTOR NICOLESCU OF MINISTRY OF FINANCE HAS BEEN DESIGNATED TO DISCUSS WITH US DELICEANU, DRAMBAREAN, AND ANY OTHER CASES WE MAY HAVE ARISING FROM APPLICATION OF DECREE 223. WE ARE SEEKING MEETING WITH NICOLESCU AND WILL REPORT RESULTS.

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6. ACTION REQUESTED: AT THIS STAGE WE ARE INCLINED TO PURSUE SETTLEMENT OF SPECIFIC CASES BEFORE MAKING FURTHER RECOMMENDATION CONCERNING EXCHANGE OF LETTERS. WE WOULD, HOWEVER, APPRECIATE WASHINGTON REACTION TO LEGAL CLARIFICATION OBTAINED FROM LOCAL ATTORNEY.
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